



01-21-00

RECEIVED

JAN 25 2000

#13  
cp1632-8-00  
Done

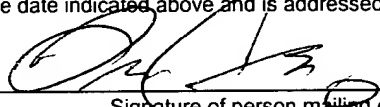
## Certificate of Mailing

Date of Deposit January 20, 2000Label Number: EL507497416US

I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to: BOX CPA, Assistant Commissioner for Patents, Washington, D.C. 20231.

Luis A. Cruz

Printed name of person mailing correspondence

  
Signature of person mailing correspondence

## CONTINUED PROSECUTION APPLICATION TRANSMITTAL UNDER 37 CFR §1.53(d)

Attorney Docket Number	04005/013003
Applicant	Tim M. Townes <i>et al.</i>
Title	Transgenic Animals That Produce Human Hemoglobin

## PRIORITY INFORMATION:

This is a request for a continuation application under 37 CFR §1.53(d) (continued prosecution application (CPA)) of prior United States patent application 08/961,443, filed October 30, 1997.

## FILING QUALIFICATIONS:

The prior application is a nonprovisional application that is either 1) complete as defined by 37 CFR 1.51(b); or 2) the national stage application of an international application in compliance with 35 USC 371.

## EXPRESS ABANDONMENT:

This request for a CPA expressly abandons the prior application as of the filing date of this request.

## ACCESS TO PRIOR APPLICATION:

This request for a CPA is construed to include a waiver of confidentiality by the applicant under 35 USC 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR §1.14 to access to, copies of, or information concerning the prior application may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

## 35 USC 120 STATEMENT:

This request for a CPA is the specific reference required by 35 USC 120 to the prior application.

## PAPERS ENCLOSED:

1. Please enter the unentered amendment previously filed on [\*\*DATE\*\*] under 37 CFR §1.116 in the prior application.
2. Please enter the enclosed preliminary amendment of [\*\*] pages.
3. This application is filed by fewer than all of the inventors named in the prior application, 37 CFR 1.53(d)(4). Please delete the following inventors: [\*\*NAMES OF DELETED INVENTORS\*\*]
4. Enclosed is a new power of attorney of [\*\*] pages.
5. Enclosed is an IDS of [\*\*] pages; a form PTO 1449 of [\*\*] pages; and [\*\*] cited references.

RECEIVED

JAN 25 2000

	6a. Enclosed is a small entity statement newly signed for this application.	
X	6b. A small entity statement was filed in the prior application (copy enclosed). Such status is proper and desired.	
	6c. Small entity status is not applicable or is no longer claimed.	
X	7. The Filing Fee will not be paid at this time.	
<b>FILING FEES:</b>		
Basic Filing Fee: \$345.00		\$345.00
Excess Claims Fee: 24 - 20 x \$9.00		\$36.00
Excess Independent Claims Fee: 1 - 3 x \$39.00		\$0.00
Multiple Dependent Claims Fee: \$130.00		\$0.00
Total Fees:		\$381.00
<b>CORRESPONDENCE ADDRESS:</b>		
Susan M. Michaud, Ph.D. Reg. No. 42,885 Clark & Elbing LLP 176 Federal Street Boston, MA 02110		
Telephone: 617-428-0200 Facsimile: 617-428-7045		
<u>Susan M. Michaud</u> Signature		<u>January 20, 2000</u> Date

Applicants : Townes et al.  
 Serial or Patent No. : 08/961,443  
 Filed or Issued : October 30, 1997  
 Title : Transgenic Animals That Produce Human Hemoglobin

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: The UAB Research Foundation  
 Address of Organization: 1825 University Boulevard,  
 Mortimer Jordan Hall # 113  
 University of Alabama at Birmingham  
 Birmingham, AL 35294

**Type of Organization:**

- ☐ University or Other Institution of Higher Education  
☒ Tax Exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))  
☐ Nonprofit Scientific or Educational under Statute of State of the United States of America  
 Name of State:  
 Citation of Statute:  
☐ Would Qualify as Tax Exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) If Located in the United States of America  
☐ Would Qualify as Nonprofit Scientific or Educational under Statute of State of the United States of America If Located in the United States of America  
 Name of State:  
 Citation of Statute:

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled "Transgenic Animals That Produce Human Hemoglobin" by inventors Tim M. Townes, Thomas Ryan, and Dominic Ciavatta described in

- ☐ the specification filed herewith.  
☒ application serial no. 08/961,443, filed October 30, 1997.  
☐ patent no. ["PATENT NUMBER"], issued ["ISSUE DATE"].

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name:

Address:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name: Peter V. O'Neil, Ph.D.

Title: Interim Provost, Vice President of UAB Research Foundation

Address: The UAB Research Foundation, 701 South 20<sup>th</sup> St., Suite 1064 Administration B, Birmingham, AL 35294

Signature: P. O'Neil

Date: 11/28